

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

BRUCE HARRIS and ROY McCullum, )  
Individually and on Behalf of All Others )  
Similarly Situated )  
)  
Plaintiffs, ) CIVIL ACTION FILE  
) NO. 1:22-cv-2530-TWT  
v. )  
)  
GEORGIA-PACIFIC WOOD PRODUCTS, )  
LLC, and GEORGIA-PACIFIC, LLC )  
)  
Defendants. )

**PLAINTIFFS' MOTION FOR CONDITIONAL  
CERTIFICATION, FOR APPROVAL AND DISTRIBUTION OF NOTICE  
AND FOR DISCLOSURE OF CONTACT INFORMATION**

Plaintiffs Bruce Harris and Roy McCullum (collectively “Plaintiffs”), each individually and on behalf of all others similarly situated, by and through undersigned counsel, and for their Motion for Certification, for Approval and Distribution of Notice and for Disclosure of Contact Information, they state and allege as follows:

1. Plaintiffs worked as hourly employees for Defendants Georgia-Pacific Wood Products, LLC, and Georgia-Pacific, LLC (collectively “Defendant” or “Defendants”).

2. Plaintiffs brought this suit each individually and on behalf of all other all former and current hourly-paid employees employed by Defendants, who are similarly situated, to recover unpaid overtime wages, liquidated damages, prejudgment interest, costs, and attorneys' fees pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ("FLSA").

3. Plaintiffs brought this action as a collective action pursuant to 29 U.S.C. § 216(b). Plaintiffs ask this Court to conditionally certify the following collective:

**All hourly employees for Georgia-Pacific Wood Products, LLC,  
and Georgia-Pacific, LLC since June 24, 2019.<sup>1</sup>**

4. Attached as Exhibits 1 and 2, respectively, are the Notice and Consent to Join proposed by Plaintiffs for distribution in this case. Attached as Exhibit 3 is the text of the messages proposed by Plaintiffs for electronic distribution in this case.

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<sup>1</sup> A similar case was previously conditionally certified in the Western District of Arkansas, *Kenneth Harris, et al. v. Georgia-Pacific Wood Products, LLC and Georgia-Pacific, LLC*, with respect to all former and current hourly-paid employees at the Georgia-Pacific Wood Products, LLC facility in Gurdon, Arkansas since January 2, 2016. See Memorandum Opinion and Order at 13, *Harris v. Georgia-Pacific Wood Products, LLC*, No. 6:19-cv-06001-RTD (W.D. Ark. Apr. 11, 2019). While the collective proposed in the current action would include some overlap with the notice list of this prior case, Plaintiffs are of the position that any overlap is best resolved after notice has been sent to all potential members of the proposed collective, including those of the Gurdon facility. Such a position is consistent with the broad, remedial purpose of the FLSA and any issues related to individuals joining this suit that already participated in the previous suit could be resolved through the calculation of damages.

The Notice and Consents make no comment on the merits of the case. The Notice is narrowly drawn to notify potential collective members of the pending litigation, the composition of the collective and their right to “opt in” to the litigation.

5. Plaintiffs also request that the Court grant counsel a period of ninety (90) days—beginning on the date on which Defendants fully and completely release the potential class members’ contact information to Plaintiffs’ counsel—during which to distribute the Notice and file opt-in Plaintiffs’ Consent forms with this Court.

6. To facilitate the sending of the Notice and Consent forms, Plaintiffs also respectfully ask this Court to enter an Order directing Defendants to provide the names, last known addresses, and last known email addresses of potential opt-in plaintiffs in an electronically manipulable format such as Excel format (.xls) no later than seven days after the date of the entry of the Order.

7. Plaintiffs request that this Court permit them to provide the Notice to potential opt-in plaintiffs via U.S. Mail and email, and that this Court permit Plaintiffs to send a reminder email or postcard thirty days after the date of mailing.

8. Plaintiffs further request expedited consideration of this Motion because the statute of limitations for the FLSA claims of potential opt-in plaintiffs is *not tolled* by a plaintiff’s initial filing of the complaint absent a Court order. 29

U.S.C. § 256(b); *see Campbell v. Sys. Dynamics Int'l*, No. 5:18-cv-223-UJH-RDP, 2018 U.S. Dist. LEXIS 150498, at \*14 (N.D. Ala. Sep. 5, 2018) (“the court desires to expedite notice of this action due to the fact that the FLSA's statute of limitations continues to run against individual [potential opt-in plaintiffs] until they consent to opt into this collective action”).

9. Plaintiffs file herewith and incorporates herein a memorandum Brief in Support of this Motion.

10. In support of their Motion, Plaintiffs file herewith the following exhibits:

- 1) Proposed Notice of Right to Join Lawsuit;
- 2) Proposed Consent to Join Collective Action;
- 3) Proposed Text of Electronic Transmission;
- 4) Proposed Reminder Postcard;
- 5) Declaration of Attorney Josh Sanford;
- 6) Declaration of Bruce Harris;
- 7) Declaration of Roy McCullum;
- 8) Declaration of Gearldean Payton; and
- 9) Declaration of Rochelle Lawson.

WHEREFORE, premises considered, Plaintiffs, each individually and on behalf of all others similarly situated, pray that this Court:

- A. Conditionally certify this case as a collective action;
- B. Approve Plaintiffs’ proposed Notice and Consent to Join and proposed method of distribution including mailing and emailing;

C. Approve the form and content of Exhibits 1–4;

D. Order Defendants to produce the requested contact information of each putative collective member in an electronically importable and manipulable electronic format, such as Excel, within seven days after this Court’s Order is entered;

E. Allow for an opt-in period of 90 days, to begin on the date on which Defendants produce the collective members’ names and contact information, in which collective members may submit Consents to Join this lawsuit as opt-in plaintiffs;

F. Award costs and a reasonable attorney’s fee and grant all other relief to which Plaintiffs may be entitled, whether specifically prayed for or not.

Respectfully submitted,

**BRUCE HARRIS and ROY  
McCULLUM, Each Individually  
and on Behalf of All Others  
Similarly Situated, PLAINTIFFS**

LEGARE, ATTWOOD & WOLFE, LLC  
125 Clairemont Avenue, Suite 380  
Decatur, Georgia 30030  
Telephone: (470) 823-4000  
Facsimile: (470) 201-1212

/s/ Steven E. Wolfe

Steven E. Wolfe

Ga. Bar No. 142441

[sewolfe@law-llc.com](mailto:sewolfe@law-llc.com)

***LOCAL COUNSEL FOR PLAINTIFFS***

SANFORD LAW FIRM, PLLC  
Kirkpatrick Plaza  
10800 Financial Centre Pkwy, Suite 510  
Little Rock, Arkansas 72211  
Telephone: (501) 221-0088  
Facsimile: (888) 787-2040

/s/ Laura Edmondson

Laura Edmondson

Ark. Bar No. 2021312

[laura@sanfordlawfirm.com](mailto:laura@sanfordlawfirm.com)

/s/ Josh Sanford

Josh Sanford

Ark. Bar No. 2001037

[josh@sanfordlawfirm.com](mailto:josh@sanfordlawfirm.com)

***LEAD COUNSEL FOR PLAINTIFFS***

**CERTIFICATE OF SERVICE**

I, Josh Sanford, hereby certify that on the date imprinted by the CM/ECF system, a true and correct copy of the foregoing document was electronically filed via the CM/ECF system, which will provide notice to the following attorneys of record:

A. Craig Cleland, Esq.  
Lauren H. Zeldin, Esq.  
Harry M. Rowland, III, Esq.  
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.  
One Ninety-One Peachtree Tower  
191 Peachtree St. NE, Suite 4800  
Atlanta, GA 30303  
Telephone: 404-881-1300  
Facsimile: 404-870-1732  
[lauren.zeldin@ogletreedeakins.com](mailto:lauren.zeldin@ogletreedeakins.com)  
[craig.cleland@ogletreedeakins.com](mailto:craig.cleland@ogletreedeakins.com)  
[harry.rowland@ogletreedeakins.com](mailto:harry.rowland@ogletreedeakins.com)  
*Counsel for Defendants*

/s/ Josh Sanford  
Josh Sanford